



General Assembly

February Session, 2006

***Raised Bill No. 361***

LCO No. 2043

\*02043\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING POSSESSIONS AND PERSONAL EFFECTS  
OF TENANTS EVICTED FROM RESIDENTIAL PROPERTY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 47a-23 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2006*):

4 (b) The notice shall be in writing substantially in the following form:  
5 "I (or we) hereby give you notice that you are to quit possession or  
6 occupancy of the (land, building, apartment or dwelling unit, or of any  
7 trailer or any land upon which a trailer is used or stands, as the case  
8 may be), now occupied by you at (here insert the address, including  
9 apartment number or other designation, as applicable), and remove all  
10 of your possessions and personal effects therefrom, on or before the  
11 (here insert the date) for the following reason (here insert the reason or  
12 reasons for the notice to quit possession or occupancy using the  
13 statutory language or words of similar import, also the date and place  
14 of signing notice). A.B.". If the owner or lessor, or the owner's or  
15 lessor's legal representative, attorney-at-law or attorney-in-fact knows  
16 of the presence of an occupant but does not know the name of such

17 occupant, the notice for such occupant may be addressed to such  
18 occupant as "John Doe", "Jane Doe" or some other alias which  
19 reasonably characterizes the person to be served.

20 Sec. 2. Subsection (a) of section 47a-23a of the general statutes is  
21 repealed and the following is substituted in lieu thereof (*Effective*  
22 *October 1, 2006*):

23 (a) If, at the expiration of the three days prescribed in section 47a-23,  
24 as amended by this act, the lessee or occupant neglects or refuses to  
25 quit possession or occupancy of the premises, any commissioner of the  
26 Superior Court may issue a writ, summons and complaint which shall  
27 be in the form and nature of an ordinary writ, summons and complaint  
28 in a civil process, but which shall set forth facts justifying a judgment  
29 for immediate possession or occupancy of the premises and make a  
30 claim for possession or occupancy of the premises. If the claim is for  
31 possession or occupancy of residential property, the writ, summons  
32 and complaint shall include the following statement: "If a judgment of  
33 eviction is entered against the lessee or occupant, such lessee or  
34 occupant shall be responsible for the removal of his or her possessions  
35 and personal effects from the premises. Any such possessions and  
36 personal effects that have not been removed from the premises  
37 following execution of a judgment of eviction shall be considered  
38 abandoned property. The owner of the premises may remove, or cause  
39 to be removed, such possessions and personal effects without liability."  
40 If the claim is for the possession or occupancy of nonresidential  
41 property, the writ, summons and complaint may also make a claim for  
42 the forfeiture to the plaintiff of the possessions and personal effects of  
43 the defendant in accordance with section 47a-42a. If the plaintiff has  
44 properly issued a notice to quit possession to an occupant by alias, if  
45 permitted to do so by section 47a-23, as amended by this act, and has  
46 no further identifying information at the time of service of the writ,  
47 summons and complaint, such writ, summons and complaint may also  
48 name and serve such occupant or occupants as defendants. In any case  
49 in which service is to be made upon an occupant or occupants

50 identified by alias, the complaint shall contain an allegation that the  
 51 plaintiff does not know the name of such occupant or occupants. Such  
 52 complaint shall be returnable to the Superior Court. Such complaint  
 53 may be made returnable six days, inclusive, after service upon the  
 54 defendant and shall be returned to court at least three days before the  
 55 return day. Such complaint may be served on any day of the week.  
 56 Notwithstanding the provisions of section 52-185, as amended, no  
 57 recognizance shall be required of a complainant appearing pro se.

58 Sec. 3. Section 47a-26d of the general statutes is repealed and the  
 59 following is substituted in lieu thereof (*Effective October 1, 2006*):

60 If, on the trial of a summary process complaint, it is found that the  
 61 defendant is the lessee of the complainant and holds over after the  
 62 termination of the lease or rental agreement or, if there was no lease or  
 63 rental agreement, that the defendant is the occupant of such premises  
 64 and has no right or privilege to occupy the same and that notice to quit  
 65 has been given as provided in this chapter, yet that the defendant  
 66 holds possession or occupancy after the expiration of the time specified  
 67 in such notice to quit, and the defendant does not show a title in  
 68 himself or herself which accrued after the giving of the lease or rental  
 69 agreement, if any, or if the defendant does not show a title in himself  
 70 or herself existing at the time the notice to quit possession or  
 71 occupancy was served upon [him] the defendant, the court shall  
 72 forthwith enter judgment that the complainant recover possession or  
 73 occupancy of the premises with [his] the complainant's costs, and  
 74 execution shall issue accordingly subject to the provisions of sections  
 75 47a-35 to 47a-41, inclusive. The judgment shall include an order that  
 76 the defendant and any other occupant bound by the judgment  
 77 pursuant to subsection (a) of section 47a-26h remove all of his or her  
 78 possessions and personal effects from the premises.

79 Sec. 4. Subsection (b) of section 47a-26h of the general statutes is  
 80 repealed and the following is substituted in lieu thereof (*Effective*  
 81 *October 1, 2006*):

82 (b) Upon entry of judgment, the clerk shall mail a notice of  
 83 judgment to all defendants against whom judgment was rendered.  
 84 Such notice shall be addressed to the named defendants and any other  
 85 current occupants and shall contain the names of all defendants  
 86 against whom judgment was entered, the date of judgment and notice  
 87 of the right to apply for a stay of execution. The notice shall be on a  
 88 form prescribed by the Office of the Chief Court Administrator, shall  
 89 be in clear and simple language and in readable format, and shall  
 90 include a conspicuous notice to all occupants not named in the  
 91 judgment, in large boldface type, that any such occupant who claims to  
 92 have a right to continue to occupy the premises should promptly  
 93 complete and file with the clerk of the court a claim of exemption from  
 94 the judgment. If no such notice would otherwise be sent to the  
 95 premises, an additional notice shall be sent to the premises, addressed  
 96 to the named defendants "or any other current occupants". If the  
 97 judgment is for the recovery of possession or occupancy of residential  
 98 property, a notice of judgment issued under this subsection shall  
 99 include the following statement: "When a judgment of eviction is  
 100 entered against the defendant, such defendant and any other occupant  
 101 bound by the judgment shall be responsible for the removal of his or  
 102 her possessions and personal effects from the premises. Any such  
 103 possessions and personal effects that have not been removed from the  
 104 premises following execution of the judgment of eviction shall be  
 105 considered abandoned property. The owner of the premises may  
 106 remove, or cause to be removed, such possessions and personal effects  
 107 without liability."

108 Sec. 5. Section 47a-42 of the general statutes is repealed and the  
 109 following is substituted in lieu thereof (*Effective October 1, 2006*):

110 (a) Whenever a judgment is entered against a defendant pursuant to  
 111 section 47a-26, 47a-26a, 47a-26b or 47a-26d, as amended by this act, for  
 112 the recovery of possession or occupancy of residential property, such  
 113 defendant and any other occupant bound by the judgment [by]  
 114 pursuant to subsection (a) of section 47a-26h shall forthwith remove

115 himself or herself, such defendant's or occupant's possessions and all  
116 personal effects unless execution has been stayed pursuant to sections  
117 47a-35 to 47a-41, inclusive. If execution has been stayed, such  
118 defendant or occupant shall forthwith remove himself or herself, such  
119 defendant's or occupant's possessions and all personal effects upon the  
120 expiration of any stay of execution. If the defendant or occupant has  
121 not so removed himself or herself upon entry of a judgment pursuant  
122 to section 47a-26, 47a-26a, 47a-26b or 47a-26d, as amended by this act,  
123 and upon expiration of any stay of execution, the plaintiff may obtain  
124 an execution upon such summary process judgment [.] and, after  
125 service of a notice of execution by a state marshal as provided in  
126 subsection (b) of this section, the defendant or other occupant bound  
127 by the judgment [by] pursuant to subsection (a) of section 47a-26h and  
128 the possessions and personal effects of such defendant or other  
129 occupant may be removed by [a state marshal] the plaintiff or an agent  
130 of the plaintiff, pursuant to such execution and without any liability  
131 for such removal, and such possessions and personal effects may be set  
132 out on the adjacent sidewalk, street or highway.

133 (b) Before any [such] removal by the plaintiff or an agent of the  
134 plaintiff pursuant to subsection (a) of this section, the state marshal  
135 charged with [executing upon any such judgment of eviction shall give  
136 the chief executive officer of the town twenty-four hours notice of the  
137 eviction, stating the date, time and location of such eviction as well as a  
138 general description, if known, of the types and amount of property to  
139 be removed from the premises. Before giving such notice to the chief  
140 executive officer of the town, the state marshal shall use reasonable  
141 efforts to locate and notify the defendant of the date and time such  
142 eviction is to take place and of the possibility of a sale pursuant to  
143 subsection (c) of this section] serving the notice of execution shall give  
144 the defendant and any other occupant bound by the judgment  
145 pursuant to subsection (a) of section 47a-26h not less than twenty-four  
146 hours' notice of the eviction, stating the date, time and location of such  
147 eviction. The state marshal shall use reasonable efforts to locate such  
148 defendant and other occupant and notify such defendant and other

149 occupant of the date and time such eviction is to take place. Such  
150 notice of execution shall include service upon each such defendant and  
151 other occupant, and upon any other person in occupancy, either  
152 personally or at the premises, of a true copy of the summary process  
153 execution. Such execution shall be on a form prescribed by the Judicial  
154 Department, shall be in clear and simple language and in readable  
155 format, and shall contain, in addition to other notices given to the  
156 defendant in the execution, a conspicuous notice, in large boldface  
157 type, that a person who claims to have a right to continue to occupy  
158 the premises should immediately contact an attorney.

159 [(c) Whenever the possessions and personal effects of a defendant  
160 are set out on the sidewalk, street or highway, and are not immediately  
161 removed by the defendant, the chief executive officer of the town shall  
162 remove and store the same. Such removal and storage shall be at the  
163 expense of the defendant. If such possessions and effects are not called  
164 for by the defendant and the expense of such removal and storage is  
165 not paid to the chief executive officer within fifteen days after such  
166 eviction, the chief executive officer shall sell the same at public auction,  
167 after using reasonable efforts to locate and notify the defendant of such  
168 sale and after posting notice of such sale for one week on the public  
169 signpost nearest to the place where the eviction was made, if any, or at  
170 some exterior place near the office of the town clerk. The chief  
171 executive officer shall deliver to the defendant the net proceeds of such  
172 sale, if any, after deducting a reasonable charge for removal and  
173 storage of such possessions and effects. If the defendant does not  
174 demand the net proceeds within thirty days after such sale, the chief  
175 executive officer shall turn over the net proceeds of the sale to the town  
176 treasury.]

177 (c) If, after execution pursuant to subsections (a) and (b) of this  
178 section, the possessions and personal effects of the defendant or any  
179 other occupant bound by the judgment pursuant to subsection (a) of  
180 section 47a-26h are set out on the adjacent sidewalk, street or highway  
181 and are not immediately removed by the defendant or other occupant,

182 the plaintiff, or an agent of the plaintiff, shall notify the municipality  
183 and arrange for the collection of such possessions and personal effects  
184 by the municipality or other appropriate disposal of such possessions  
185 and personal effects.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2006</i>	47a-23(b)
Sec. 2	<i>October 1, 2006</i>	47a-23a(a)
Sec. 3	<i>October 1, 2006</i>	47a-26d
Sec. 4	<i>October 1, 2006</i>	47a-26h(b)
Sec. 5	<i>October 1, 2006</i>	47a-42

***Statement of Purpose:***

To authorize owners of residential property, after adequate notice, to execute judgments of eviction and remove the personal possessions and effects of evicted tenants, and to relieve municipalities from the requirement of collecting and storing the personal possessions and effects of tenants evicted from residential property through summary process.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*